



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

FEB 28 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Trombold
Vice President
Conservation Services
2525 New York
Wichita, Kansas 67219

Dear Mr. Trombold:

RE: 29th & Mead Site
Wichita, Kansas

The United States Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE) have information which indicates Conservation Services is the owner of property or an operator of a facility in the area of 29th and Mead Streets, Wichita, Kansas. The EPA also has information which indicates hazardous substances, hazardous wastes, pollutants or contaminants have been released into the environment at the 29th & Mead Street area. This area, defined as the 29th and Mead Site, hereinafter referred to as "the Site," lies in the northern part of Wichita, Kansas and is bounded by 37th Street on the north, 19th Street on the south, Broadway Street on the west and I-135 highway on the east. Specifically, investigations undertaken by EPA and KDHE in 1983, 1984, 1985 and 1986 revealed the presence of volatile organic compounds (VOCs) in the ground water underlying the site. These VOCs included, but are not limited to, trichloroethylene, carbon tetrachloride, toluene, benzene and vinyl chloride.

I. GENERAL NOTICE

Based on the above information EPA believes Conservation Services is potentially responsible for costs incurred with respect to the Site. Responsible parties under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9607(a) (CERCLA), as amended, et seq., include current and past owners and operators as well as persons who arrange for the transport, treatment or disposal of hazardous substances.

Sections 106(a) and 107(a) of CERCLA and other laws stipulate that responsible parties may be obligated to implement any response action as determined to be necessary by EPA and may also be liable for all costs incurred by the Government in responding to any release or threatened release of hazardous substances at the Site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the Site, and enforcement.

By this letter, EPA notifies Conservation Services, of its potential liability with regard to this matter and encourages Conservation Services, to conduct a remedial investigation (RI) on the nature and extent of the threat presented by the release at the Site and prepare a feasibility study (FS) report which assesses the proposed remedies. EPA also encourages Conservation Services, to undertake the remedial design (RD) and the remedial action (RA).

Enclosed is a preliminary listing of other potentially responsible parties (PRPs) as determined from currently available information (Attachment A). The EPA is aware that some PRPs have formed a Steering Committee and encourages that committee to represent the PRPs' interests in developing proposals addressing the RI/FS and in negotiating these proposals with KDHE.

II. REQUEST FOR INFORMATION

Under the provision of Section 104 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. Section 9604, and Section 3007 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6927 (RCRA), EPA has the authority to require the submittal of information by any person who has handled hazardous substances and/or wastes or who has or may have information relevant to the nature and quantity of materials generated, treated, stored, disposed, or transported to a facility; relevant to the nature and extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility; or relevant to the ability of a person to pay for or perform a cleanup. The EPA is seeking information for the purpose of enforcing the appropriate provisions of CERCLA and to assist the Agency in determining the need for a response to a release or threat of a release of hazardous substances. Accordingly, you are requested to provide the information set forth in Attachment B.

You may assert a business confidentiality claim covering part or all of the information submitted in the manner set out in 40 C.F.R. Section 2.203(b). The information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, subpart B (1987). If no confidentiality claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to you.

Compliance with the Information Request set forth in Attachment B is mandatory. Failure to respond fully and truthfully to the Information Request within twenty (20) days of receipt of this letter or to justify such failure to respond adequately can result in enforcement action by EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance. Please be further advised, that provision of false, fictitious, fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

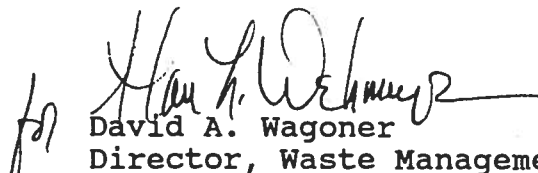
Your response to this Information Request should be mailed to:

U. S. Environmental Protection Agency
Ken Rapplean - Pre-Remedial and State Program Section
Superfund Branch-Waste Management Division
726 Minnesota Avenue
Kansas City, Kansas 66101

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct legal questions to Audrey Asher of the Office of Regional Counsel at (913) 236-2811. Technical questions should be directed to Ken Rapplean at the above address, or at (913) 236-2856.

Thank you for your cooperation in this matter.

Sincerely yours,


David A. Wagoner
Director, Waste Management
Division

Enclosures

cc: Larry Knoche, KDHE
Pat Casey, KDHE

INFORMATION REQUEST

1. State the title, area of responsibility, current address and telephone number of the person designated to respond to this Information Request.
2. Describe the manufacturing or processing activities at your facility which may involve or may have involved the use of chlorinated organic solvents.
3. Provide a list of the generic names and chemical characteristics of hazardous wastes and/or hazardous substances, including but not limited to carbon tetrachloride, vinyl chloride, tetrachloromethane, trichloroethylene, trans 1, 2-dichloroethylene, 1, 1, 1-trichloroethane, and other chlorinated solvents, acids, and caustics that are/were generated, hauled or disposed from your facility.
4. With respect to each hazardous waste generated state:
 - a. the chemical composition, characteristic, physical state, e.g., solid or liquid, of each such hazardous substance;
 - b. the identity of the person who supplied you with each such hazardous substance;
 - c. a description of how each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. the time period during which each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and,
 - f. the quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
5. Describe all leaks, spills or releases of any kind into the environment of any hazardous substances, including but not limited to, those substances listed in #3 above, that have occurred at the Site, and for each such occurrence state the following:

- a. where such event occurred;
 - b. how such event occurred;
 - c. what hazardous substances were involved in the event;
 - d. the amount of each hazardous substance which was released during the event;
 - e. any and all activities undertaken in response to each such release or the threatened releases of hazardous substances at the Site;
 - f. a description of any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken; and,
 - g. the identity of each person involved in such event or who investigated or responded to such event or who otherwise has any information regarding or relating to such event.
6. If a release of any kind of hazardous substances identified in #3, above occurred into any subsurface disposal system of floor drain inside or under any buildings located on the Site, state the following.
- a. The precise location of the release;
 - b. The date when the disposal system, floor drains, or building involved with the release was installed;
 - c. Whether the disposal system or floor drains were connected to pipes;
 - d. Where such pipes are or were located;
 - e. When such pipes were installed; and
 - f. How and when such pipes were replaced, repaired or otherwise changed.
7. Provide a list of your Comprehensive General Liability and Environmental Impairment Liability policies and Directors' and Officers' policies for the period from 1950 through the present. Specify the insurer, policy, effective dates, and state-per-occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

8. Provide copies of all income tax returns, including all attachments thereto, submitted by the facility to the Internal Revenue Service and the State of Kansas during the last five years.
9. Provide copies of all financial statements, reports, or projections prepared by, for or on behalf of you and your facility for the past five years, whether audited or unaudited, including, but not limited to all those filed with the Securities and Exchange Commission, state agencies, and all financial institutions such as banks.
10. Identify your corporate structure, i.e., name the parent corporation, all subsidiaries, and the percent ownership of the subsidiary by the parent, and successor corporations, if any.
11. Provide a copy of your Articles of Incorporation and By-laws.
12. Identify the officers, directors and majority shareholders of your corporation. Describe the management duties of each and identify the amount of shares held respectively.
13. Identify all persons who may have generated or disposed of hazardous substances at the site.
14. If you have reason to believe there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons providing their addresses, phone numbers and the additional information or documents they may have.
15. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, identify the persons from whom such information or documents may be obtained.
16. Provide any and all information you may possess regarding past operations and ownership of your facility, including but not limited to generation, treatment, storage and disposal of hazardous substances and/or hazardous wastes.
17. List all companies or individuals known to you which at any time may have sent drums, containers, wastes, chemicals or other materials to your facility under current or previous ownership.
18. List all records or other documents known to you that may provide the information requested above or that may identify the companies or individuals with knowledge of the informa-

tion requested above, the location of those records, the person or entity in possession of those records, and provide copies of such records. If they are not available to you, state where they are located.

19. Identify the person or persons responsible for the creation, maintenance or operation of any treatment, storage or disposal area on your property under current or previous ownership.
20. Provide any other information you believe to be significant to the issues regarding the 29th and Mead Site.

Enclosure B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A separate response must be made to each of the questions in this Information Request. Answer each question fully and supply all the information requested.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question identify all sources of information for your answer. If your source of information was a document or documents, provide a copy of the document(s) with your response.
4. For each document produced in response to this Information Request, indicate on the document, on a cover sheet to that document, or in some other reasonable manner, the number of the question to which it responds.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is incomplete, false or misrepresents the truth, you must notify EPA thereof immediately.
6. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope. (Construe "and" as well as "or" in a manner that brings within the scope of these questions as much information as possible. If two interpretations of a question are possible, favor the one that provides more information rather than less.)
7. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, each and every such deletion.
9. As used herein, the terms "hazardous substance," "release," "facility," and "person" shall have the meanings set forth in Sections 101(14), (22), (9) and (21) of CERCLA, 42 U.S.C. Sections 9601(14), (22), (9) and (21) respectively, and in applicable CERCLA regulations.

Attachment B, Page 2.

10. As used herein, the terms "hazardous waste," "disposal," and "storage," shall have the meanings set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. Sections 9603(5), (3) and (33), and in applicable RCRA regulations.